

## **REMARKS**

Following entry of the above amendments to the claims, claims 1-37 are pending in the application. Claims 1-19 stand rejected. Claims 20-31 stand allowed. Claims 32-37 are new.

### **Support for New Claims 32-37**

Applicant has added claims 32-37 to better define the invention. New independent claim 32 finds support in the application as originally filed in paragraph 0005, first four sentences, and in claim 1 as originally filed: “shaped to enclose a central portion of both arms”. Dependent claims 33-37 find support in claims 2-6, respectively, as originally filed.

### **Examiner’s Objections and Applicants’ Responses**

#### **1. Drawings**

The Examiner objects to the drawings under 37 CFR §1.83(a), stating: “The drawings must show every feature of the invention specified in the claims”, and that the “at least one pouch formed as part of the one-piece integral safety stopper” (C: 25, L: 2-3) and the “at least one pouch made of leather attached to the integral safety stopper” (C: 26, L: 2-3) must be shown or the feature(s) canceled from the claim(s).

#### **2 Applicant’s Response to Examiner’s Objections to the Drawings**

In response to Examiner’s requirement, applicant has provided 15 sheets of drawings, sheets 1-15. Sheet 15 is marked “NEW SHEET”. Sheets 1-14 are each marked “REPLACEMENT SHEET”. The header of each of sheets 1-14 is modified to show a total of 15 sheets of drawings. Sheet 15 displays new FIGS. 35 and 36. FIG. 35 illustrates “at least one pouch formed as part of the one-piece integral safety stopper”. FIG. 36 illustrates “at least one pouch made of leather attached to the integral safety stopper”. Since these items are disclosed in claims 25 and 26 of the application as filed, new FIGS. 35 and 36 do not add new matter. To maintain correspondence between new FIGS. 35 and 36 and the written description, paragraphs 0085 and 0086 of the specification are amended herein above to include reference to FIGS. 35 and 36.

### **3. Examiner's Objections to the Specification and Applicant's Response to Each Objection**

#### **3.1 Examiner's Objection to Paragraphs 0014, 0016, 0017-0020, and 0022-0024:**

In discussion below of the Examiner's objections to the specification, the text will refer to paragraph numbers as they appear in the substitute specification (clean version), enclosed herewith.

The Examiner states:

The phrase "A first preferred embodiment" (P: 0014, L: 1) should be – Another embodiment-.

In response to the Examiner's objection to paragraph 0014 (now paragraph 0015), the applicant notes that paragraph 0015 is directed to an embodiment of "a novel welding torch striker", in contrast to the several embodiments of "a safety stopper" discussed in paragraphs 0006-0014. Therefore it is proper to use the phrase "A first preferred embodiment of a novel welding torch striker" because this does not conflict with the phrase "A first preferred embodiment of a safety stopper" in paragraph 0006. Applicant respectfully requests that the Examiner's objection be withdrawn.

The Examiner states:

The phrase "The first preferred embodiment" (P: 0016, L: 1; P: 0017, L: 1; P: 0018, L: 1; P: 0019, L: 1; P: 0022, L: 1; P: 0023, L: 1; and P: 0024, L: 1) should be –Another embodiment-.

In response to the Examiner's objection to the use of the phrase "The first preferred embodiment" in paragraphs 0016-0019 (now paragraphs 0017-0020), applicant notes that this phrase is proper in view of the remarks above regarding the phrase "A first preferred embodiment of a novel welding torch striker". Applicant further notes that the phrase "The first preferred embodiment" does not appear in any of paragraphs 0022-0024 (now paragraphs 0023-0025). Applicant respectfully requests that the Examiner's objection to paragraphs 0017-0020 and 0023-0025 be withdrawn.

The Examiner states:

The phrase "In another preferred embodiment" (P: 0020, L: 1) should be – An alternative to this embodiment-.

In response to the Examiner's objection to the use of the phrase "In another preferred embodiment" in paragraph 0020 (now paragraph 0021), applicant believes that the Examiner is referring to paragraph 0022. However, paragraph 0022 does not contain this phrase. Accordingly, applicant respectfully requests that the Examiner's objection to paragraph 0022 be withdrawn.

### **3.2 Examiner's Objection to Paragraph 0030:**

The Examiner states:

The phrase "7A and 7B" should be -7 and 8-.

In response to the Examiner's objection, applicant notes that in the current specification, substitute specification (clean version), paragraph 0030 does not include the phrase "7A and 7B", and reads "7 and 8". Accordingly, applicant respectfully requests that the Examiner's objection be withdrawn.

### **3.3 Examiner's Objection to Paragraph 0010:**

The Examiner states:

The word "section" (Amendment P: 10, L: 5) should be —cross section.

The word "section" (Amendment P: 10, L; 6) should be —partial cross section-.

In response to the Examiner's objection, the applicant has amended the specification at paragraphs 0046-0047 and 0053-0054 to replace "section" by "cross section" in paragraphs 0046 and 0053, and to replace "section" by "partial cross section" in paragraphs 0047 and 0054.

### **3.4 Examiner's Objection to Preliminary Amendment, Page 10:**

The Examiner states:

The phrase "a first preferred" (Amendment P: 10, L: 11) should be —an eighth-.

The Examiner further states:

The phrase "A first embodiment" (Amendment P: 11, L: 1) should be –An eighth-.

The Examiner further states:

The phrase "A first preferred" (Amendment P: 11, L: 18) should be –The eighth.

Applicant believes that these comments by the Examiner refer to page 11, line 1 of the Preliminary Amendment filed February 2, 2005. In response to the Examiner's objection, applicant notes that the "first preferred embodiment" at page 11, line 18 is a "first preferred embodiment of a novel welding torch striker". This "first preferred embodiment of a novel welding torch striker" is not an eighth embodiment of a "safety stopper". Accordingly the amendment suggested by the Examiner is inappropriate. Applicant respectfully requests that the Examiner's objection be withdrawn.

### **3.5 Examiner's Objection to Form of Amendment:**

The Examiner states:

The punctuation character ";" (Amendment P: 10, L: 22) looks like a ":", if Applicant means to delete this it should be surrounded by "[ ]".

In response to the Examiner's objection, applicant has used double brackets to indicate this change in paragraph 0082 of the substitute specification (marked up version). However, the Examiner's objection is now moot because it is the substitute specification (clean version), enclosed herewith (not the marked up version), that will be entered by the PTO into its files.

### **3.6 Examiner's Objection to Reference Character "26":**

The Examiner states:

The character reference "26" should be -25-.

In response to this objection, the applicant notes that item number 26 appears twice in paragraph 0064 correctly identifying first open edge shown in FIG. 1. Item number 26 appears nowhere else in the specification. The Examiner fails to provide reason why "character reference '26' should be -25-". Applicant respectfully requests that the Examiner's objection be withdrawn.

### **3.7 Examiner's Objection to Paragraphs 0082-0085:**

The Examiner states:

Paragraphs 0082-0085 should be deleted since they repeat embodiments discussed previously.

In response to the Examiner's objection, the applicant notes that paragraphs 0082-0085 (now paragraphs 0083-0086) refer to embodiments of a welding torch striker and that "embodiments discussed previously" (most of paragraphs 0058-0082) refer to embodiments of a safety stopper. Therefore paragraphs 0083-0086 do not repeat embodiments discussed previously. Applicant respectfully requests that the Examiner's objection to paragraphs 0083-0086 be withdrawn.

## **4. Examiner's Objections to the Claims & Applicant's Response to Each Objection**

### **4.1 Examiner's Objection to Claim 9**

The Examiner states:

Claim 9 is objected to because of the following informalities: The word "proximal" (L: 2) should be —distal- to make it compatible with the words used in the specification to refer to the end having a bend or coil "proximate", and the end having the flint and striker "distal". Appropriate correction is required.

In response to the Examiner's objection, applicant has amended claim 9 to replace "rivet" by "grommet". This amendment finds support in the application as originally filed by "grommet 72" that is shown in FIG. 18 and is discussed in paragraph 0067 of the application as originally filed.

#### **4.2 Examiner's Objections to Claims 11 and 12:**

The Examiner states:

Claims 11 and 12 are objected to because of the following informalities: The phrase "claim 11" (C: 11, L: 1) should be -claim 10-. Appropriate correction is required.

In response to the Examiner's objection, applicant has amended claims 11 and 12, correcting in each case the phrase "claim 11" to read "claim 10".

#### **5. Examiner's Rejection of Claims 1-19:**

The Examiner states:

Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is an inconsistency between the language in the preamble and a certain portion or portions of the body of the claim indefinite and unclear. Applicant is required to clarify what subject matter the claim is intended to be drawn to, i.e., either the subcombination of the safety stopper alone or in combination of the safety stopper and the striker, and the language of the claim be amended to be consistent with the intent.

The Examiner further states:

Claims 20-31 are allowed.

and

Claims 1-19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action".

In response to the Examiner's request "to clarify what subject matter the claim is intended to be drawn to", applicant notes that pending claims 1-20 are directed to a "safety stopper", and notes that pending claims 21-31 are directed to a "welding torch striker with safety stopper".

The Examiner rejects claims 1-19 under 35 U.S.C. 112, second paragraph, as being indefinite for "failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention". Applicant believes that there is no inconsistency between the preamble and the body of any of claims 1-19. Because the Examiner has failed to provide evidence of any "inconsistency between the language in the preamble and a certain portion or portions of the body of the claim", applicant respectfully requests that the Examiner's rejection of claims 1-19 under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, be withdrawn.

#### **6. Examiner's Objection to the Title**

The Examiner states:

The title of the invention is not descriptive. A new title is- required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: "SNAG RESISTANT WELDING TORCH STRIKER CARRIER" or "CATCH RESISTANT WELDING TORCH CARRIER".

In response to the Examiner's objection to the title as being not descriptive, applicant notes that "the subject matter which applicant regards as the invention" is defined by the claims, and that the title as filed is based on phrases drawn from the claims. Accordingly, Applicant believes that the title is "clearly indicative of the invention to which the claims are directed". The Examiner suggests two titles that introduce three new phrases ("torch carrier", "snag resistant" and "catch resistant"). None of these phrases is found in either the claims or the specification. The Examiner fails to justify the introduction of any of these phrases. Applicant respectfully requests that the Examiner's rejection of the title be withdrawn.

## SUMMARY

Applicant has amended claim 9 and has added claims 32-37, so claims 1-37 stand pending in the application. Claims 20-31 stand allowed.

Following entry of the new claims, and entry of the amendments above to the claims, the specification, and the drawings, it is believed that the application is in condition for allowance.

Consideration of the application and issuance of a notice of allowance is respectfully requested. It is believed that no extension of time is required. A check is enclosed herewith in amount \$225.00, in payment for one additional independent claim in excess of 3 (small entity), and five additional dependent claim in excess of 20 (small entity). If additional fees are required for the timely consideration of this application, please charge deposit account no. 120914.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John L. Lee". The signature is fluid and cursive, with the first name "John" and last name "Lee" being the most prominent parts.

John L. Lee

Registration No. 33,942

## MAILING ADDRESS

Lee Patent Services  
48 Summer Street  
Stoneham, MA 02180-1925  
781-438-8112